

April 27, 2006

The Regular Meeting of the Rockingham County Board of Supervisors was held on Thursday, April 27, 2006, at 6:00 p.m. at the Rockingham County Administration Center, Harrisonburg, Virginia. The following members were present:

PABLO CUEVAS, Election District #1
CHARLES W. AHREND, Election District #2
DEE E. FLOYD, Election District #3
WILLIAM B. KYGER, JR., Election District #4
MICHAEL A. BREEDEN, Election District #5

Also present:

JOSEPH S. PAXTON, County Administrator
G. CHRIS BROWN, County Attorney
STEPHEN G. KING, Deputy County Administrator
WARREN G. HEIDT, Director of Public Works
DIANA C. STULTZ, Zoning Administrator
WILLIAM L. VAUGHN, Director of Community Development
DOTTIE L. BOWEN, Deputy Clerk
DONALD F. KOMARA, Resident Engineer
Virginia Department of Transportation

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CALL TO ORDER
PLEDGE OF ALLEGIANCE
INVOCATION.

Chairman Breeden called the meeting to order at 6:00 p.m.

County Attorney Brown led the Pledge of Allegiance, and Chairman Breeden gave the Invocation.

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APPROVAL OF MINUTES.

On motion by Supervisor Ahrend, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the Minutes of the Meeting held on April 12, 2006.

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TRANSPORTATION DEPARTMENT.

The Board heard Mr. Komara's report on the activities of the Transportation Department.

Supervisor Floyd asked that rip-rap be added to a ditch on Route 710, the road going to the landfill.

Chairman Breeden suggested that Mr. Komara be on hand for a meeting scheduled with the Park Service on May 18, 2006, in order to arrange for Park Service approval of a project on Route 628.

Chairman Breeden asked that the project in the area of Island Ford Road and Route 350 be expedited to alleviate the traffic problems in that area.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the following Transportation Needs List to be presented to the Commonwealth Transportation Board at a public meeting on May 9, 2006.

***INTERSTATE, PRIMARY AND URBAN
TRANSPORTATION***

2006 PRIORITIZED NEEDS LIST

(Approved by the Rockingham County Board of Supervisors on April 27, 2006)

PRIORITIZED PROJECTS

1. ***ROUTE 253 – PORT REPUBLIC ROAD:*** THIS PROJECT WILL ENTAIL WIDENING FROM 2-LANES TO 4 LANES FROM THE EAST HARRISONBURG CITY LIMITS TO STATE ROUTE 276.

Comment: This project would extend the widening of Route 253, which is planned within the City limits. Growth pressures along this road have created a need for increased capacity to handle traffic. The project would improve road conditions and increase safety for the residential and business traffic that use this as a primary access from Interstate 81 and U.S. 11 to State Route 276. The project is included in the Harrisonburg-

Rockingham Metropolitan Planning Organization,
Long-Range Transportation Plan.

2. **ROUTE 42 TO ROUTE 11/257 BRIDGEWATER CONNECTOR:** THIS PROJECT WILL ENTAIL CONSTRUCTING A FOUR-LANE CONTROLLED ACCESS ROAD FROM ROUTE 42, JUST NORTH OF TURNER ASHBY HIGH SCHOOL, EAST TO THE MT. CRAWFORD AREA.

Comment: This link would provide a direct access to Interstate 81 at Exit 240. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

3. **ROUTE 340:** EXTEND WIDENING FROM 2 TO 4 LANES FROM ELKTON TOWN LIMITS TO PAGE COUNTY LIMITS.

Comment: The project would improve the safety of this corridor and allow for the continued growth in the Elkton and Page County area. The 2001 traffic count for the 4.19 mile section from south town limits of Elkton to Page county line was 8,000 vehicles per day.

4. **ROUTE 259:** EXTEND WIDENING FROM 2 TO 4 LANES

Comment: This would entail widening Route 259 to 4 lanes from 0.2 mile east of Route 1419 to Route 11. This upgrade would improve current road conditions that carry heavy truck traffic to local industries and provide 4-lane direct access to the Broadway/Timberville area from Interstate 81. The 2001 traffic count for this two-lane section of road was 6,800 vehicles per day.

5. **ROUTE 11:** EXTEND FOUR-LANES NORTH FROM ROUTE 704 TO HARRISONBURG.

Comment: Recommendation for the construction of a 1.3 mile four- or five-lane urban highway from Route 704 west intersection to south corporate limits of the City of Harrisonburg. In conjunction with this project, Route 704 east and west intersections with Route 11 should be realigned to improve traffic movement and signalization.

In addition, the City should be encouraged to rebuild the 0.81-mile section to connect existing four lanes to the above referenced project. This area is zoned industrial and experiencing growth, with Sysco and Cargill distribution centers, Morningstar Foods, Dutch Way Fencing, and continued commercial development along this corridor, and the future development of over 500

acres of industrially-zoned property that will utilize Route 704 to gain access to Route 11 and Interstate 81. The 2001 traffic count for this section of road was 11,000 vehicles per day. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

- 6. **ROUTE 11 TO ROUTE 42 DAYTON CONNECTOR:** THIS PROJECT WILL ENTAIL CONSTRUCTING A TWO OR FOUR-LANE CONTROLLED ACCESS ROAD FROM ROUTE 42, JUST NORTH OF DAYTON AND THE CARGILL COMPLEX, TO TIE INTO ROUTE 11 AT ITS INTERSECTION WITH INTERSTATE 81, EXIT 243.

Comment: This link would provide a direct access to the I-81 and Route 11 south interchange. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

- 7. **ROUTE 11 TO ROUTE 33 WESTERN CONNECTOR:** THIS PROJECT WOULD ENTAIL CONSTRUCTING A 4-LANE LIMITED ACCESS URBAN HIGHWAY FROM THE ROUTE 11 NORTH/I-81 INTERCHANGE WESTWARD TO ROUTE 33 TO ITS INTERSECTION IN THE VICINITY OF GARBERS CHURCH ROAD.

Comment: The current traffic volumes along Market Street warrant the construction of an alternate route. This link would provide a direct access between Route 33 and the interstate. The limited access roadway would include intersections with Routes 753, 42, and 763. These intersections would provide interim access to the roadway but would not be for development purposes. The project is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

- 8. **ROUTE 682 TO ROUTE 276 SOUTHEAST CONNECTOR:** THIS PROJECT ANTICIPATES THE RECLASSIFICATION OF ROUTE 682 AS A STATE PRIMARY ROAD.

Comment: Currently, Route 682, a secondary road, is considered a part of one of the options for the Southeast Connector. Reclassification as a primary road is included in this option. This alternative addresses the long-term transportation needs for this area and the region. This alternative is included in the Harrisonburg-Rockingham Metropolitan Planning Organization, Long-Range Transportation Plan.

INTERSTATE 81.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized staff to present the following comments on the I-81 Environmental Assessment to VDOT.

1. The County supports the spot safety improvements to I-81 as a good first step towards addressing the transportation congestion and safety issues.
2. The County continues to support the development of a long-term solution to the improvement to I-81, which includes a rail solution, if practical and economically feasible.
3. The County does not support the movement of the traffic pattern for I-81 into the County by using the southeast/northeast connectors as an interstate bypass around the City. The County's support for the development of a road around the City is for local east-west movement.
4. The County requests that the study area start at Ext 235 (Weyers Cave) and end at Exit 257 (Broadway/Mauzy).

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NELSON HERRING AND JO ELLEN EMSWILER - SERVICE WEAPONS PRESENTATION.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; in accordance with Virginia Code Section 59.1-148.3, the Board declared as surplus:

Smith & Wesson Model 5906, 9mm, service weapon, Serial #VAL7330 - service weapon used by Deputy Jo Ellen Emswiler, and

Glock Model 27, 40 caliber, Serial #FSF922 - service weapon used by Major Nelson Herring.

On behalf of the County, Sheriff Don Farley presented the weapons to Major Herring and Deputy Emswiler who are retiring from the Sheriff's Office.

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CONSORTIUM AGREEMENT - SHENANDOAH VALLEY WORKFORCE INVESTMENT AREA.

On motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved, and authorized the Chairman to sign, a Consortium Agreement to include the former members of the Northern Shenandoah Valley Workforce Investment Area - Clarke County, Frederick County, Shenandoah County, Warren County and the City of Winchester - in the Shenandoah Valley Workforce Investment Area.

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ADOPTION OF FY2006-07 BUDGET AND SETTING OF TAX RATES.

Supervisor Kyger made the following statement:

1. TRANSACTION INVOLVED: Consideration and adoption of a budget, related matters such as tax rates, and other issues concerning schools.

NATURE OF PERSONAL INTEREST IN THE TRANSACTION: I am an employee of the Rockingham County School Board. Therefore, I am affected by this Board's decisions concerning school funding and similar issues.

3. As a teacher, I am a member of an occupation the members of which are affected by the transaction specified in paragraph 1.
4. I am able to participate in the transactions fairly, objectively, and in the public interest.

Supervisor Cuevas advised that the Finance Committee had two changes to the draft budget as presented at the public hearing.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board increased the contribution by \$5,500 to reflect an increase in the donation to the Historical Society from \$2,000 to \$7,500.

He noted that it had been the intention of the Board to give additional consideration to the funding of fire and rescue agencies' operations throughout the County. He advised that, following the auditing of those operations, the Board intends to re-visit the formula for financing the volunteer units. He moved that the Board ask staff to provide to the Board a recommendation for distribution of an additional \$100,000 in the FY2006-07 Budget for the volunteer fire and rescue agencies (in addition to the funds already allocated). Supervisor Ahrend seconded the motion and it carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as

follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the Fiscal Year 2006-2007 Budget as follows:

EXPENDITURES		
	BUDGETED FY 05-06	PROPOSED FY 06-07
<u>GENERAL FUND</u>		
General Government Administration	\$ 5,012,680	\$ 5,088,987
Judicial Administration	3,068,926	3,040,637
Public Safety	15,491,426	16,590,383
Public Works	1,448,159	1,719,574
Human Services	1,319,185	1,375,126
Parks, Recreation & Cultural	1,920,460	2,011,725
Community Development	2,161,378	2,174,622
Contributions	707,235	381,144
Contingency	281,433	500,000
Other Expenses	65,000	65,000
Transfers to Other Funds	52,671,529	51,618,183
Debt Service - County	571,369	571,413
Debt Service - Schools	<u>13,388,277</u>	<u>6,018,649</u>
TOTAL - GENERAL FUND	<u>\$ 98,107,057</u>	<u>\$ 91,155,443</u>
Capital Projects Fund	\$ 8,281,899	\$ 8,574,000
School Capital Projects Fund	10,706,500	13,400,000
School Fund	95,422,153	103,967,838
School Cafeteria Fund	3,978,025	4,163,373
School Textbook Fund	760,373	1,160,000
Massanutten Technical Center Fund	4,737,838	4,785,213
E911 Communications Fund	8,398,090	1,801,113
Asset Forfeiture Fund	80,000	81,800
Harrisonburg-Rockingham Soc Serv Dist	17,693,523	18,579,580
Central Stores Fund	35,000	44,000
Utilities Fund	4,052,350	8,206,600
Lilly Subdivision Sanitary District	27,830	835,955
Smith Creek Water & Wastewater Auth	258,105	268,412
Countryside Sanitary District	125,925	22,896
Penn Laird Sewer Authority	1,043,800	437,696
Solid Waste Fund	3,545,773	5,193,867
Human Resources Rental Fund	<u>233,672</u>	<u>233,672</u>
TOTAL EXPENDITURES	<u>\$257,487,913</u>	<u>\$262,911,458</u>
REVENUES		
	BUDGETED FY 05-06	PROPOSED FY 06-07
<u>GENERAL FUND</u>		
General Property Taxes	\$ 46,165,000	\$ 50,825,000
Other Local Taxes	7,594,000	8,635,900
Other Local Revenue	6,067,452	7,265,007
State Revenue	14,642,685	14,764,181
Federal Revenue	1,406,209	710,856
Proceeds from Indebtedness	9,922,832	0
Balance Carried Forward	<u>12,308,879</u>	<u>8,954,499</u>
TOTAL GENERAL FUND	<u>\$ 98,107,057</u>	<u>\$ 91,155,443</u>
Capital Projects Fund	\$ 8,281,899	\$ 8,574,000
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Human Resources Rental Fund	<u>233,672</u>	<u>233,672</u>
TOTAL REVENUES	<u>\$257,487,913</u>	<u>\$262,911,458</u>

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board set the rate of \$3.00 per telephone access line for the Enhanced 911 tax for the next fiscal year starting July 1, 2006, and established the following rates for property taxes for calendar year 2006:

TAX RATES:

<u>Classification of Tax</u>	<u>2005</u>	<u>2006</u>
Real Estate	\$0.71	\$0.58
Personal Property	2.80	2.80
Recreational Vehicles	2.80	2.80
Machinery & Tools	2.55	2.55
Merchants Capital	0.87	0.87
Farm Machinery	0.44	0.44
Manufactured Home	0.71	0.58

The percentage of tax credit provided by the State for 2006 will be as follows:

- a) Vehicles valued \$1,000 or less will receive 100% tax credit.
- b) Vehicles valued over \$1,000 up to \$20,000 will receive 63% tax credit.
- c) Vehicles valued over \$20,000 will receive 63% tax credit for only the first \$20,000 in value.

State tax credit is not provided for vehicles used more than 50% for business purposes.

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RECESS FOR SPECIAL MEETING OF COUNTRYSIDE SANITARY DISTRICT BOARD OF DIRECTORS.

At 6:50 p.m., Chairman Breeden declared the meeting recessed for a special meeting of the Countryside Sanitary District Board of Directors. At 6:54 p.m., he called the Regular Meeting back to order.

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COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. Paxton's staff report dated April 21, 2006, including information

concerning I-81 Environmental Assessment; Metropolitan Planning Organization, Library request re Charles Rife collection of Native American Artifacts, SPCA, Lower North River Watershed, U.S. Route 11 Historic Byway designation and VA Juvenile Community Crime Control Act.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board agreed to the transfer of the Charles Rife collection of Native American Artifacts from the Massanutten Regional Library to the Plains District Memorial Museum. The County will retain ownership of the collection and provide it on permanent loan to the Museum. Should the Museum no longer desire to house the collection or should the Museum cease operation, the collection shall be returned to the County. The motion included authorization for the County Administrator to sign necessary documents for the transfer.

Following a presentation by Tim Showalter, Court Services Unit Supervisor, on motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved the FY 2007-08 program for the VA Juvenile Community Crime Control operated by the Juvenile Court Services Unit.

On motion by Supervisor Cuevas, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board authorized advertising a public hearing on a budget amendment to permit the pass-through of funds from the Commonwealth to Wal-Mart.

On motion by Supervisor Kyger, seconded by Supervisor Floyd and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; in regard to the project status of the Lower North River Watershed, the Board asked that the Natural Resources Conservation Service classify the project as "inactive" at this time, with the understanding that inactive projects may be re-activated when actions are taken by the sponsors or NRCS to resume project activity.

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PUBLIC HEARING - SPECIAL USE PERMITS.

At 7:05 p.m., Chairman Breeden declared the meeting open for a public hearing on the following special use permit applications. Ms. Stultz reviewed the particulars of each case.

S06-26, request of Gary E. Tolliver, Jr., for an indoor car dealership on property located on the east side of South Valley Pike (Route 11) approximately 3/4 mile northeast of Cecil Wampler Road (Route 704) in Election District #4, zoned M2. Tax Map #123-(A)-75B.

Clyde Nicholson, speaking for the applicant, said Mr. Tolliver had "a good reputation for doing business in the County." He stated that the business would have minor impact, if any, and that it would operate mainly from the indoor facility at the back of the property. He described the operation as a "small business, more intimate than the normal used car dealership."

No opposition was expressed.

S06-27, request of Mark J. & Jennie H. Warner for a second residence for a family member on property located on the north side of South East Side Highway (Route 340) approximately 1800 feet east of Treeland Lane (private) in Election District #5, zoned A2. Tax Map #154-(A)-16.

Ms. Stultz advised that staff wished to recommend an amendment to staff's recommended Condition No. 4 that would prohibit rental of the house except to family members.

No opposition was expressed.

S06-29, request of Shenandoah Valley Produce Auction for an off-premise advertising sign on property located on the northwest side of the intersection of Ottobine Road (Route 257) and Lumber Mill Road (Route 734) in Election District #2, zoned A1. Tax Map #105-(A)-115E.

Peter Martens said the sign would "completely destroy the aesthetics of the property." He advised that he was in favor of the produce auction, but questioned the need for a sign. He did not think people needed directions to the auction because there are other businesses in the area that do not have directional signs. He asked that, if a sign was approved, it be reduced from 4 by 8 feet to 2 by 4 feet.

Harry Anderson said the sign would be placed on Allen Beery's property, behind property owned by VDOT, so the sign would need to be large enough to be seen from the road. He pointed out that many of the buyers coming to the auction are from out of the area and even out of state, and the sign would be needed in order for them to find the auction site. He pointed out that the nearby businesses cater to a local market, and their customers know where to find them. He noted that the present sign is portable.

Supervisor Ahrend wondered if it would be possible to make the new sign portable so that it would only be put up on the days when the auction is to be held.

Mr. Anderson said it would be possible, but it would also be inconvenient as it would have to be moved back and forth through the property owner's hayfield each time.

Charles Martin said VDOT would not permit the sign to be put on its property so the sign had to be located farther back where it would not be easily seen. For that reason, he advised that the 4- by 8-foot sign would be necessary.

At 7:31 p.m., Chairman Breeden closed the public hearing and called the regular meeting back to order.

On motion by Supervisor Kyger, seconded by Supervisor Cuevas and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-26, request of Gary E. Tolliver, Jr., for an indoor car dealership on property located on the east side of South Valley Pike (Route 11) approximately 3/4 mile northeast of Cecil Wampler Road (Route 704) in Election District #4, zoned M2.

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
2. Any alterations to the existing building shall meet the Virginia Statewide Building Code, and the proper permits shall be obtained.
3. VDOT reserves the right to require future entrance upgrades should conditions warrant.
4. This permit is contingent upon a site plan being submitted to and approved by the County. No permits shall be issued by the Department of Community Development and no work shall be done on the property until such time as a site plan is approved.
5. On-premise advertising sign shall comply with the Rockingham County Code, and a permit shall be obtained for any sign.
6. There shall be no off-premise signs allowed unless all County and VDOT requirements for outdoor advertising signs are met.
7. Off-street parking shall comply with the Rockingham County Code.
8. As this request is for an indoor car dealership, there shall be no vehicles kept outside the building.

9. No junked or inoperative vehicles shall be allowed to accumulate on the property.

At Chairman Breeden's request, on motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; subject to the following conditions, the Board approved S06-27, request of Mark J. & Jennie H. Warner for a second residence for a family member on property located on the north side of South East Side Highway (Route 340) approximately 1800 feet east of Treeland Lane (private) in Election District #5, zoned A2.

1. The use shall be located in substantial accordance with plot plan as approved by the Board of Supervisors.
2. Residence shall comply with the Virginia Uniform Statewide Building Code, and the proper permits shall be obtained.
3. This permit is contingent upon applicant obtaining a sewage disposal system permit from the Health Department. A copy of said permit shall be presented to the Community Development Department prior to deed exception approval.
4. This residence shall not be used for rental purposes except rent may be collected from family members living in the residence.
5. This residence shall not be occupied until a certificate of occupancy is issued from the County. No certificate of occupancy shall be issued until all other conditions of this permit are met.

Noting that he would like more time to investigate the possibility of a portable sign for the Shenandoah Valley Produce Auction, on motion by Supervisor Ahrend, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board tabled S06-29, request of Shenandoah Valley Produce Auction for an off-premise advertising sign on property located on the northwest side of the intersection of Ottobine Road (Route 257) and Lumber Mill Road (Route 734) in Election District #2, zoned A1.

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COUNTY ATTORNEY'S STAFF REPORT.

The Board received and reviewed Mr. Brown's staff report dated April 21, 2006, concerning legal matters.

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DEPUTY COUNTY ADMINISTRATOR'S STAFF REPORT.

The Board received and reviewed Mr. King's staff report dated April 21, 2006, including information on the Technological and Industrial Park (TIP)(burial of utility lines completed and award of park entrance contract to be scheduled for May 10 meeting) and German River stream repair project (necessary permits not yet acquired).

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PUBLIC WORKS DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Heidt's staff report dated April 26, 2006, including information concerning schedule for Penn Laird Drive and Water Tower Road sewer (advertising pending authorization from USDA Rural Development); McGaheysville WWTP (meetings with DEQ scheduled for April); Phase III Landfill extension (continuing to work with DEQ); Grassy Creek tank (project expected to be closed out by May 1); Three Springs Water system analysis (final report expected by May 15); Pleasant Run Interceptor (proceeding with design work next step); Lily Gardens (results of "down hole" well video inspection under review); City of Harrisonburg Waste to Energy Plant ; and Solid Waste Ordinance changes (ordinance changes went into affect April 1; staff working with farmers and others to develop viable composting option); Montevideo Water Booster Station Emergency Generator and Transfer Switch (bids for upgrading received on April 10); and High land Park and Belmont Sewage Lift Stations (data being collected for finalizing wet well and pump sizing).

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Public Works Committee, the Board awarded the contract for pump station improvements and installation of a back-up generator at the Montevideo finished water booster station (with a slightly expanded scope of work for switchgear upgrades and an emergency generator installation) to the low bidder, Leon Electric, in the amount of \$97,909.00.

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COMMUNITY DEVELOPMENT DIRECTOR'S STAFF REPORT.

The Board received and reviewed Mr. Vaughn's staff report dated April 27, 2006, including information concerning CSPDC regional bike plan funding request (additional \$2,305 requested); Commonwealth Transportation Board hearing on transportation needs scheduled for May 9; Straughen Paint Ball activities (Special Use Permit to be reviewed on May 10); GIS mapping of County's utility infrastructure (planning meeting scheduled for April 25); priority projects underway, tabled requests, and upcoming requests.

On motion by Supervisor Floyd, seconded by Supervisor Kyger and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board approved an additional appropriation of \$2,305 to the Central Shenandoah Planning District Commission for implementation of the recommendations of the Regional Bicycle Committee.

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AMENDMENTS TO CHAPTER 6 BUILDING, ARTICLE II PERMITS, SECTIONS 6-11, 6-15, AND 6-17.1 OF THE ROCKINGHAM COUNTY CODE, TO CHANGE CERTAIN FEES FOR BUILDING PERMITS

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; the Board adopted the following.

ARTICLE II. PERMITS

Sec. 6-11. Same--Fees. A fee shall be charged for all building permits. ~~In addition, a 1.0% levy shall be applied to fees charged and transmitted to the Virginia Department of Housing and Community Development.~~ The building permit fee schedule for new construction is as follows:

The building permit fee schedule for new construction is as follows:

- (a) Use groups ~~R-3 and R-4~~ R-5 (residential dwelling units--one-family and two-family)-The fee for alterations, additions, and repairs shall be nineteen cents ~~(0.15)~~ (0.19) per square foot based on the gross finished floor area including the basement area. If the gross floor area is ~~470~~ 132 square feet or less, a flat fee of twenty-five dollars (\$25.00) shall be charged.
- (b) All other use groups, based upon valuation. Building permit valuations shall include the total cost of the building or structure, including plumbing, electrical, and mechanical equipment and all other systems. The following fees shall be charged for building permits:
 - (1) Where the valuation does not exceed nineteen thousand dollars (\$19,000), the fee shall be as follows:
 - a) For new construction and additions with or without outdoor recreation the fee is ~~seventy-five dollars (\$75.00).~~ ninety five dollars (\$95.00).
 - b) The fee for alterations, additions, and repairs shall be ~~fifteen cents (0.15)~~ nineteen cents (0.19) per square foot based on the gross finished floor area with a minimum fee of twenty-five dollars (\$25.00).
 - c) For swimming pools, the fee shall be fifty dollars (\$50.00).
 - d) For elevators, escalators, and lifts the fee shall be fifty dollars (\$50.00).
 - (2) For a valuation over nineteen thousand dollars (\$19,000.00) up to and including thirty thousand

dollars (\$30,000.00), the fee shall be ~~sixty-four dollars (\$64.00)~~ ninety-five dollars (\$95.00) for the first nineteen thousand dollars (\$19,000.00) plus ~~three dollars and forty-five cents (\$3.45)~~ four dollars and forty cents (\$4.40) per one thousand dollars (\$1,000.00) or fraction thereof.

- (3) For a valuation over thirty thousand dollars (\$30,000.00) up to and including one hundred thousand dollars (\$100,000.00), the fee shall be ~~one hundred fifteen dollars and seventy-five cents (\$115.75)~~ one hundred forty-six dollars and sixty-five cents (\$146.65) plus ~~three dollars (\$3.00)~~ three dollars and eighty cents (\$3.80) per one thousand dollars (\$1,000.00) or fraction thereof.
- (4) For a valuation over one hundred thousand dollars (\$100,000.00) up to and including five hundred thousand dollars (\$500,000.00), the fee shall be ~~three hundred twenty-five dollars and seventy-five cents (\$325.75)~~ four hundred twelve dollars and seventy-five cents (\$412.75) plus ~~two dollars and thirty-five cents (\$2.35)~~ three dollars (\$3.00) per one thousand dollars (\$1,000.00) or fraction thereof.
- (5) For a valuation over five hundred thousand dollars (\$500,000.00) up to and including one million dollars (\$1,000,000.00), the fee shall be ~~one thousand two hundred sixty-five dollars and seventy-five cents (\$1,265.75)~~ one thousand six hundred and five dollars (\$1605.00) plus ~~one dollar and forty-five cents (\$1.45)~~ one dollar and eighty-five cents (\$1.85) per one thousand dollars (\$1,000.00) or fraction thereof.
- (6) For a valuation over one million dollars (\$1,000,000.00), the fee shall be ~~one thousand nine hundred ninety dollars and seventy-five cents (\$1,990.75)~~ two thousand eight hundred sixty dollars (\$2860.00) plus ~~one dollar and fifteen cents (\$1.15)~~ one dollar and forty-five cents (\$1.45) per one thousand dollars (\$1,000.00) or fraction thereof.

- (c) Accessory Structures--Residential use groups ~~R-3, R-4~~ R-5

Sec. 6-14. Same--Required for farms exempted from provisions of building code.

- (a) No person shall commence the construction, repair or improvement of any farm building or structure exempt from the provisions of the Building Code, as amended, until there shall have been first obtained a permit from the building ~~inspector~~ inspection office.

Sec. 6-15. Miscellaneous.

- (a) A fee of twenty-five dollars (\$25.00) shall be charged for each permit which is requested to be revised to add, delete, or change the designation of a mechanic's lien agent.
- (b) A fee of fifty dollars (\$50.00) shall be charged for a permit for a tent installation. Each tent will be considered a separate installation.
- (c) A minimum fee of ~~twenty-five dollars (\$25.00)~~ fifty dollars (\$50.00) shall be charged for each permit for a sign.
- (d) A fee of fifty dollars (\$50.00) shall be charged for each permit for asbestos removal.
- (e) A fee of seventy five dollars (\$75.00) shall be charged for placement of a temporary construction trailer.
- (f) For an inspection not listed herein the fee shall be based on the value of the project or a minimum fee of twenty-five dollars (\$25.00).
- (g) A fee of two hundred dollars (\$200.00) shall be charged for a footer/foundation only permit issued with prior approval of the Building Official.
- (h) If a refund is requested, the county shall retain ten percent (10%), but not less than twenty-five dollars (\$25.00), of the total permit fee to cover processing, inspections, and plan review costs. The ~~1%~~ State levy is non-refundable.

Sec. 6-17.1 Mechancial permits generally.

- (a) For ~~R3 and R4~~ R-5 use groups the fees shall be as follows:
- (b) For all other use groups the fees shall be as follows:
 - (1) New construction or additions ~~to multi-family structures~~ shall be charged a fee of two cents (\$0.02) per square foot. The minimum fee shall be fifty dollars (\$50.00).
- (c) Other fees shall be as follows:
 - (1) A fee of fifty dollars (\$50.00) shall be charged for each permit for the installation of a wood stove or range hood. ~~or hood suppression system.~~
 - (2) A fee of one hundred dollars (\$100.00) shall be charged for each permit for the installation of a hood suppression system.

Sec. 6-17.2 State Levy.

In addition to the above, the levy set by the Virginia Department of Housing and Community Development shall be applied to fees charged and transmitted to such Department.

Sec. 6-19.1 Temporary Certificates of Occupancy.

- (a) A temporary certificate of occupancy for residential use groups ~~R3 and R4~~ R-5 shall be offered in 30-day increments with fees as follows:

All other fees for building permits will remain the same. The effective date of this ordinance shall be July 1, 2006.

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COMMITTEE REPORTS.

The Board heard committee reports from Board members and staff.

On motion by Supervisor Cuevas, seconded by Supervisor Ahrend and carried by a vote of 5 to 0, voting recorded as follows: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; KYGER - AYE; as recommended by the Finance Committee, the Board:

As requested by the Registrar, approved a supplemental appropriation in the amount of \$34,350 for the estimated costs of the upcoming June 13 primary. The expenses will not be reimbursed by the State and will be provided from the General Fund Reserve.

\$ 1,200	001-1301-000-3500-000	(Printing and Binding)
10,200	001-1301-000-3109-000	(Programming/Ballots)
21,750	001-1301-000-3902-000	(Election Officers)
700	001-1301-000-5501-000	(Mileage)
500	001-1301-000-6001-000	(Miscellaneous)

As requested by Massanutten Regional Library, approved additional funding of \$9,000 from the County for the unexpected higher costs relating to utilities, with funding provided from the General Fund Reserve.

As requested by the Director of Massanutten Technical Center, approved the following supplemental appropriation in the amount of \$72,944, due to additional Adult Education funds received from the State Department of Education.

\$15,000	GL Code: 205-02402-9902	Regional Specialist
7,400	GL Code: 205-61100-930-1120-700	Instructional Salaries
(700)	GL Code: 205-61100-930-1150-700	Clerical Salaries
513	GL Code: 205-61100-930-2100-700	FICA/Medicare
5,649	GL Code: 205-61100-930-2300-700	Health Insurance
210	GL Code: 205-61100-930-5201-700	Postage
1,928	GL Code: 205-61100-930-5501-700	Mileage
\$20,944	GL Code: 205-01612-0350	Adult Basic Education
17,500	GL Code: 205-61100-930-1300-700	Part-time Salaries
1,339	GL Code: 205-61100-930-2100-700	FICA/Medicare

2,105	GL Code: 205-61100-930-6013-700	Educational Supplies
\$27,000	GL Code: 205-02402-9901	General Adult Education
5,000	GL Code: 205-61100-930-1300-700	Part-time Salaries
383	GL Code: 205-61100-930-2100-700	FICA/Medicare
4,500	GL Code: 205-61100-930-3000-700	Purchased Services
2,500	GL Code: 205-61100-930-3500-700	Printing and Binding
14,617	GL Code: 205-61100-930-3600-700	Advertising
\$10,000	GL Code: 205-01612-0360	Impact Fees
8,500	GL Code: 205-61100-930-1300-700	Part-time Salaries
650	GL Code: 205-61100-930-2100-700	FICA/Medicare
850	GL Code: 205-61100-930-6013-700	Educational Supplies

As requested by the School Superintendent, approved the transfer of \$75,000 from the School Fund to the School Textbook Fund (fund 201 to 203), to provide the local funds needed for the textbook program to balance for this fiscal year.

As requested by the School Superintendent, approved a transfer of \$390,000 from the School Fund to the School Textbook Fund (fund 201 to 203), to provide the local funds needed for the textbook program for next fiscal year. Since the State mandated that no fees can be charged for textbooks, the School Division annually requests a transfer from funds expected to be left at year-end to the Textbook Fund. In this way, savings from the current year help pay for the purchase of books for the coming year.

In regard to the Public Works Committee, Mr. Heidt reported that bids were received on the project for conversion of existing water meters and purchase of new water meters that utilize the radio frequency, and the low bidder did not make an acceptable offer while the bid of the middle bidder was acceptable. No Board action was requested at this time.

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RECESS FOR SPECIAL MEETING OF PENN LAIRD SEWER AUTHORITY.

At 7:50 p.m., Chairman Breeden declared the meeting recessed for the purpose of holding a special meeting of the Penn Laird Sewer Authority.

Chairman Breeden called the regular meeting back to order at 8:12 p.m.

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CLOSED MEETING.

On motion by Supervisor Kyger, seconded by Supervisor Ahrend and carried by the following vote: AHREND - AYE; BREEDEN - AYE; CUEVAS - AYE; FLOYD - AYE; and KYGER - AYE; the Board recessed the meeting from 8:12 p.m. to 8:32 p.m., in accordance with State Code Sections 2.2-3711(A)(3)(7) concerning annexation matters related to the Towns of Bridgewater, Mt. Crawford and Timberville; disposition of real estate; and legal matters requiring the counsel of the County Attorney and staff.

At 8:32 p.m., Chairman Breeden called the meeting back to order and the following motion was adopted.

MOTION: SUPERVISOR KYGER RESOLUTION NO: X06-08
SECOND: SUPERVISOR AHREND MEETING DATE: APRIL 27, 2006

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Rockingham County Board of Supervisors has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of The Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3712 of the Code of Virginia requires a certification by this Board of Supervisors that such Closed Meeting was conducted in conformity with Virginia law;

NOW, THEREFORE, BE IT RESOLVED that the Rockingham County Board of Supervisors hereby certifies that, to the best of each member's knowledge, (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the Closed Meeting to which this certification resolution applies; and (ii) only such public business matters as were identified in the motion convening the Closed Meeting were heard, discussed or considered by the Board of Supervisors.

VOTE:
AYES: AHREND, BREEDEN, CUEVAS, FLOYD, KYGER
NAYS: NONE
ABSENT: NONE

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ADJOURNMENT.

By consensus, the Board adjourned the meeting at 8:35 p.m.

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Chairman